

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES W. BROWN, on behalf of himself  
and all others similarly situated, on behalf  
of the general public, and as an “aggrieved  
employee” under the California Labor Code  
Private Attorneys General Act,

Plaintiff,

v.

CLEAR POINT ADVANTAGE, LLC, d/b/a  
ADVANTAGE SERVICES GROUP,

Defendant.

No. C 08-01640 WHA

**CONDITIONAL ORDER  
OF DISMISSAL**

Based on the representations made by counsel and on the joint motion of counsel, this action is **DISMISSED** subject to the further condition that, if and when any claim arising from the conduct at issue in this case is hereafter filed (even by a different plaintiff or by different counsel) anywhere in the United States against defendant, notice of any such subsequent action must be given by any counsel involved herein (upon becoming aware of the subsequent action) to the undersigned judge. The Court notes that Attorneys Grover and Bernstein did not fully answer its question. The question was whether there was any contemplation of a class-wide settlement elsewhere. Counsel merely replied that there was no “agreement” for such a scenario. (Defense counsel were more responsive.)

1 As counsel are aware, the Court has alerted them to its practice to reject collusive class  
2 settlements. The proposed stipulated dismissal raises the question whether counsel are  
3 attempting to avoid that policy by dismissing here and eventually filing elsewhere with another  
4 plaintiff against the same defendant, perhaps in a jurisdiction less opposed to collusive  
5 settlements. To meet this concern, the above additional conditions shall be imposed as a  
6 condition of dismissal.

7 The effective date of this dismissal shall be **STAYED FOR SEVEN CALENDAR DAYS** to  
8 allow any objection to this condition to be made, upon which the dismissal will be deemed  
9 vacated, and failing which this order shall be final.

10  
11 **IT IS SO ORDERED.**

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13 Dated: December 8, 2008.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE